

EXHIBIT 1

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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

FRANKLIN COVEY CO.,

Plaintiff,

v.

COMMERCIAL METALS COMPANY,

Defendant.

DECLARATION OF BRIAN THOMSON

Case No. 2:16-cv-01221-DBP

Magistrate Judge Dustin B. Pead

I, Brian Thomson, declare under penalty of perjury of the laws of the United States of America that the following is true and accurate:

1. I am the Manager, Learning and Development of Commercial Metals Company ("CMC").
2. I am of legal age and am competent to testify regarding the facts set forth herein, as they are based on my personal knowledge, the business records of CMC, and information that I have learned in the course of my employment with CMC.
3. CMC is incorporated in Delaware.
4. The principle place of business and headquarters for CMC is located at 6565 N. MacArthur Blvd., Irving, Texas 75039.

5. CMC has a single location in Utah, located at 920 West 600 North, Brigham City, Utah 84302.

6. CMC has 7,871 people currently employed in the United States alone.

7. CMC's single Utah location employs 17 people, amount to only 0.2% of the CMC employee population in the United States.

8. CMC has office locations in twenty-six states and elsewhere across the world.

9. CMC has eight office locations in Florida, seventeen office locations in South Carolina, and sixty-one office locations in Texas.

10. The training materials cited in the complaint ("Training Materials") were created entirely in Texas.

11. None of the seminars conducted using the Training Materials took place in Utah.

12. Supervisors in Utah who were trained under the Training Materials were provided such training in Arizona, not Utah.

13. The Training Materials were never distributed in Utah.

14. All high-level management of CMC are located in Texas.

15. All Human Resource personnel responsible for the development of the Training Materials and presentations are located in Texas.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 21st day of April, 2017 in Irving, Texas.


Brian Thomson